

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE

ADMINISTRATIVE MATTER



DATE _____

September 30, 2009

MOTOR CARRIER MATTER



DOCKET NO.

2009-342-WS

UTILITIES MATTER



ORDER NO.

SUBJECT:

DOCKET NO. 2009-342-WS - Review of Avondale Mills, Incorporated's Rates Approved in Order No. 2009-394 - Discuss the Motion to Dismiss with the Commission.

COMMISSION ACTION:

S.C. Code Section 58-3-142 does not prohibit the submission of letters such as the petition dated August 4, 2009 from the Aiken County Legislative Delegation. By its terms, this statute bars attorney legislators from representing clients before the Commission in rate-fixing proceedings; it did not prohibit the members of the Aiken County delegation from requesting that the Commission review Avondale's rates. I also move that we find that the Legislative Delegation would be entitled to complain regarding the reasonableness of Avondale's rates under S.C. Code Section 58-5-270. Nor did S.C. Code Section 8-13-785, cited by Avondale, or any other sections of the state ethics act, prohibit the delegation from making this request. Therefore, the August 4, 2009 letter from the Aiken County Legislative Delegation was appropriately submitted, and this docket was appropriately opened by the Commission under S.C. Code Ann. § 58-5-320, which gives the Commission the discretion to rescind, alter or amend any of its orders after notice and opportunity to be heard. As the ORS has said, this is an extraordinary case, and the Commission is only reconsidering its previous order because of the unique circumstances before it. I move that we hold Avondale's remaining arguments regarding dismissal of the action in abeyance.

PRESIDING: Fleming

SESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MITCHELL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(SEAL)

RECORDED BY: J. Schmieding

